



West Virginia Senate

Committee on the Judiciary

Minutes for APRIL 05, 2021, 1:45 PM

Pursuant to the call of the Chair, the Senate Committee on the Judiciary met on April 05, 2021, 1:45 PM in Room 208-W.

Members present: Senators Trump, Weld, Azinger, Grady, Maynard, Phillips, Rucker, Smith, Stover, Takubo, Woodrum, Beach, Caputo, Lindsay, Romano

Members absent: Senators Blair, Woelfel

A silent roll call being taken, the presence of a quorum was established.

On motion of Senator Weld, the minutes of the previous meeting were approved.

H. B. 2918 - Relating to Family Drug Treatment Court.

Wes Toney, Counsel, explained the bill, and responded to questions.

On motion of Senator Weld, the committee reported the bill to the full Senate with the recommendation that it do pass.

H. B. 2017 - Rewriting the Criminal Code.

Laura Goins, Counsel, explained the bill, the proposed strike and insert and title amendment, and responded to questions.

With leave of the committee, Perri DeChristopher, President, West Virginia Prosecuting Attorneys Association was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

On motion of Senator Weld, the committee adopted the strike and insert amendment.

On motion of Senator Weld, the committee reported the bill to the full Senate with the recommendation that it do pass as amended.

On motion of Senator Weld, the committee adopted the title amendment.

H. B. 3310 - Relating to the jurisdiction of the Public Service Commission.

Laura Goins, Counsel, explained the bill, the proposed strike and insert and title amendment, and responded to questions.

Senator Weld moved to adopt the strike and insert amendment.

With leave of the committee, Charlotte Lane, Chairman, West Virginia Public Service Commission, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

With leave of the committee, John Scalzo, Appalachian Power and Wheeling Power, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

With leave of the committee, Autumn Long, Regional Field Director, Solar United Neighbors, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

The committee adopted the strike and insert amendment.

On motion of Senator Weld, the committee reported the bill to the full Senate with the recommendation that it do pass as amended.

On motion of Senator Weld, the committee adopted the title amendment.

H. B. 2730 - Relating to persons filing federal bankruptcy petition to exempt certain property of the estate.

Mark Dean, Counsel, explained the bill, and responded to questions.

On motion of Senator Romano, the committee amended the bill on page 1, subsection (a) lines 6 and 15, striking "\$25,000" and inserting "\$35,000".

On motion of Senator Romano, the committee amended the bill on page 1, subsection (b) line 16, striking "\$2,400" and inserting "7,500".

On motion of Senator Weld, the committee amended the bill on page 4, adding subsection (m), stating that “The amendments made to this section during the 2021 session of the Legislature shall apply to bankruptcies filed on or after the effective date of those amendments.”.

On motion of Senator Weld, the committee adopted the strike and insert amendment.

On motion of Senator Weld, the committee reported the bill to the full Senate with the recommendation that it do pass as amended.

On motion of Senator Weld, the committee adopted the title amendment.

H. B. 2842 - Preventing cities from banning utility companies in city limits.

Mark Dean, Counsel, explained the bill, the proposed strike and insert and title amendment adopted by the Committee on Energy, Industry, and Mining, and responded to questions.

On motion of Senator Weld, the committee adopted the Committee on Energy, Industry, and Mining strike and insert amendment.

On motion of Senator Weld, the committee reported the bill to the full Senate with the recommendation that it do pass as amended by Committee on Energy, Industry, and Mining.

On motion of Senator Weld, the committee adopted the Committee on Energy, Industry, and Mining title amendment.

H. B. 3254 - Authorizing members of development authorities to accept federally authorized reimbursement for services which the members rendered on a voluntary basis.

Liz Schindzielorz, Counsel, explained the bill, the proposed strike and insert and title amendment, and responded to questions.

Senator Weld moved to adopt the strike and insert amendment.

With leave of the committee, Stacy Nowicki, Deputy Counsel, West Virginia Department of Homeland Security, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

With leave of the committee, G. E. McCabe, Director, West Virginia Emergency Management Division, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

With leave of the committee, Ryan Frykholm, Clay County Business Development Authority, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

The committee adopted the strike and insert amendment.

On motion of Senator Weld, the committee reported the bill to the full Senate with the recommendation that it do pass as amended.

On motion of Senator Weld, the committee adopted the title amendment.

Chairman Trump vacated the chair and Senator Weld presided.

H. B. 2927 - Adding Caregiving expenses to campaign finance expense.

Liz Schindzielorz, Counsel, explained the bill, and responded to questions.

With leave of the committee, Delegate Kayla Young, addressed the committee, and responded to questions.

With leave of the committee, Elaine Tuckwiller, Election Specialist, West Virginia Secretary of State, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

On motion of Senator Romano, the committee adopted an amendment on page 2, subsection (6), line 24, by adding a “,” after the word “child” and on line 26, inserting “with a disability or a medical condition,” after the word “person”.

On motion of Senator Beach, the committee adopted the strike and insert amendment.

On motion of Senator Beach, the committee reported the bill to the full Senate with the recommendation that it do pass as amended.

On motion of Senator Beach, the committee adopted the title amendment.

H. B. 3215 - Amending the requirements to become an elected prosecutor.

Liz Schindzielorz, Counsel, explained the bill, the proposed strike and insert and title amendment, and responded to questions.

On motion of Senator Beach, the committee adopted the strike and insert amendment.

On motion of Senator Beach, the committee reported the bill to the full Senate with the recommendation that it do pass as amended.

On motion of Senator Beach, the committee adopted the title amendment.

On motion of Senator Weld, the committee recessed.

The committee reconvened.

Chairman Trump moved **H. B. 2221** next on the agenda.

H. B. 2221 - Relating to the establishment of an insurance innovation process.

Laura Goins, Counsel, explained the proposed Banking and Insurance strike and insert amendment and title amendments adopted by the Committee on Banking and insurance, and responded to questions.

Senator Weld moved to adopt the Committee on Banking and Insurance strike and insert amendment.

With leave of the committee, James Dodrill, West Virginia Insurance Commissioner, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

The question being on the adoption of the Committee on Banking and Insurance strike and insert amendment, the same was put and adopted.

On motion of Senator Weld, the committee reported the bill to the full Senate with the recommendation that it do pass as amended by Banking and Insurance.

On motion of Senator Weld, the committee adopted the Committee on Banking and Insurance title amendment.

Chairman Trump moved **H. B. 3304** next on the agenda.

H. B. 3304 - Authorizing the Division of Corrections and Rehabilitation to establish a Reentry and Transitional Housing Program.

Tom Smith, Chief Counsel, explained the bill, the proposed strike and insert and title amendment, and responded to questions.

With leave of the committee, Stacy Nowicki, Deputy Counsel, West Virginia Department of Homeland Security, addressed the committee, and responded to questions.

On motion of Senator Weld, the committee adopted the strike and insert amendment.

On motion of Senator Weld, the committee reported the bill to the full Senate with the recommendation that it do pass as amended.

On motion of Senator Weld, the committee adopted the title amendment.

Chairman Trump moved **H. B. 3078** next on the agenda.

H. B. 3078 - Relating to powers and duties of the parole board.

Liz Schindzielorz, Counsel, explained the bill, the proposed strike and insert and title amendment, and responded to questions.

Senator Weld moved to adopt the strike and insert amendment.

With leave of the committee, Stacy Nowicki, Deputy Counsel, West Virginia Department of Homeland Security, addressed the committee, and responded to questions.

The committee adopted the strike and insert amendment.

On motion of Senator Weld, the committee reported the bill to the full Senate with the recommendation that it do pass as amended.

On motion of Senator Weld, the committee adopted the title amendment.

Chairman Trump moved **H. B. 2581** next on the agenda.

H. B. 2581 - Providing for the valuation of natural resources property and an alternate method of appeal of proposed valuation of natural resources property.

Mark Dean, Counsel, explained the bill, the proposed strike and insert and title amendment, and responded to questions.

Senator Weld moved to adopt the strike and insert amendment.

With leave of the committee, Delegate Dianna Graves, West Virginia House of Delegates District 38, addressed the committee, and responded to questions.

With leave of the committee, Philip Reale, Gas & Oil Association of West Virginia, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

With leave of the committee, Scott Lemley, Wetzel County Assessor, addressed the committee, and responded to questions.

With leave of the committee, Matt Irby, Acting Tax Commissioner, West Virginia State Tax Department, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

With leave of the committee, Kevin Ellis, Antero Resources Corporation, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

Senator Rucker moved to lay the bill over.

Chair being in doubt, a division of the body was demanded by Chairman Trump.

The vote being 8 in favor and 7 opposed, the motion was adopted.

H. JR. 3 - Property Tax Modernization Amendment.

Tom Smith, Chief Counsel, explained the resolution, the proposed strike and insert and title amendment, and responded to questions.

Senator Weld moved to adopt the strike and insert amendment.

With leave of the committee, Jonathan Adler, Executive Director, West Virginia Association of Counties, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

With leave of the committee, Rebecca McPhail, West Virginia Manufacturers Association, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

The committee adopted the strike and insert amendment.

On motion of Senator Weld, the committee reported the resolution to the full Senate with the recommendation that it be adopted as amended, but first be referred to the committee on Finance.

On motion of Senator Weld, the committee adopted the title amendment.

On Motion of Senator Weld the committee adjourned.



Charles S. Trump
Chair



Beverly Douglas
Clerk/Analyst

The Senate of West Virginia



Testimony taken this 5th day of April, 2021, in
the Senate Committee on the Judiciary.

"I solemnly swear (or affirm) that the testimony I shall give shall be
the truth, the whole truth, and nothing but the truth, so help me
God."

Rebecca McNeil

Print Witness Name

A handwritten signature, likely of the witness, written over a horizontal line.

Sign Witness Name

Oath was administered by:

Charles S. Trump

Print Member Name

A handwritten signature, likely of the member administering the oath, written over a horizontal line.

Sign Member Name



The Senate of West Virginia

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"I solemnly swear (or affirm) that the testimony I shall give shall be
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God."

Jonathan Adk

Print Witness Name

Jonathan Adk

Sign Witness Name

Oath was administered by:

Charles S. Trump

Print Member Name

Charles S. Trump

Sign Member Name



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"I solemnly swear (or affirm) that the testimony I shall give shall be
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God."

Kevin Ellis

Print Witness Name

Kevin Ellis

Sign Witness Name

Oath was administered by:

Charles S. Trump

Print Member Name

Charles S. Trump

Sign Member Name



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"I solemnly swear (or affirm) that the testimony I shall give shall be
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God."

Matt Irby

Print Witness Name

[Signature]

Sign Witness Name

Oath was administered by:

Charles S. Trump

Print Member Name

[Signature]

Sign Member Name

The Senate of West Virginia



Remote/Virtual Testimony

Testimony taken this 5th day of April, 2021, in
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"I solemnly swear (or affirm) that the testimony I shall give shall be
the truth, the whole truth, and nothing but the truth, so help me
God."

Scott Lemley

Print Witness Name

Beverly Douglas

Testimony Attested to by Committee
Clerk

Oath was administered by:

Charles S. Trump

Print Member Name

Charles S. Trump

Sign Member Name



The Senate of West Virginia

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"I solemnly swear (or affirm) that the testimony I shall give shall be
the truth, the whole truth, and nothing but the truth, so help me
God."

Philip A. Reale

Print Witness Name

Philip A. Reale

Sign Witness Name

Oath was administered by:

Charles S. Trump

Print Member Name

Charles S. Trump

Sign Member Name



The Senate of West Virginia

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"I solemnly swear (or affirm) that the testimony I shall give shall be
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God."

James Dehrill

Print Witness Name

[Signature]

Sign Witness Name

Oath was administered by:

Charles S. Trump

Print Member Name

[Signature]

Sign Member Name



The Senate of West Virginia

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"I solemnly swear (or affirm) that the testimony I shall give shall be
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God."

Elaine Tuckwiler

Print Witness Name

Elaine Tuckwiler

Sign Witness Name

Oath was administered by:

Charles S. Trump

Print Member Name

Charles S. Trump

Sign Member Name



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Remote/Virtual Testimony

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"I solemnly swear (or affirm) that the testimony I shall give shall be
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God."

Ryan Frykholm

Print Witness Name

Beverly Douglas

Testimony Attested to by Committee
Clerk

Oath was administered by:

Charles S. Trum

Print Member Name

Charles S. Trum

Sign Member Name



The Senate of West Virginia

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"I solemnly swear (or affirm) that the testimony I shall give shall be
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God."

G.E. McCabe

Print Witness Name

Beverly Douglas

Testimony Attested to by Committee
Clerk

Oath was administered by:

Charles S. Tamm

Print Member Name

Charles S. Tamm

Sign Member Name

The Senate of West Virginia



Testimony taken this 5th day of April, 2021, in
the Senate Committee on the Judiciary.

"I solemnly swear (or affirm) that the testimony I shall give shall be
the truth, the whole truth, and nothing but the truth, so help me
God."

Stacy L. Nowicki

Print Witness Name

[Signature]

Sign Witness Name

Oath was administered by:

Charles S. Trump

Print Member Name

[Signature]

Sign Member Name



The Senate of West Virginia

Remote/Virtual Testimony

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"I solemnly swear (or affirm) that the testimony I shall give shall be
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God."

Autumn Long
Print Witness Name

Beverly Douglas
Testimony Attested to by Committee
Clerk

Oath was administered by:

Charles S. Trump
Print Member Name

Charles S. Trump
Sign Member Name



The Senate of West Virginia

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the Senate Committee on the Judiciary.

"I solemnly swear (or affirm) that the testimony I shall give shall be
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God."

John Scalzo

Print Witness Name

John SM

Sign Witness Name

Oath was administered by:

Charles S. Trump

Print Member Name

Charles S. Trump

Sign Member Name



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"I solemnly swear (or affirm) that the testimony I shall give shall be
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God."

Charlotte LANE

Print Witness Name

Charlotte Lane

Sign Witness Name

Oath was administered by:

Charles S. Trapp

Print Member Name

Charles S. Trapp

Sign Member Name



The Senate of West Virginia

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"I solemnly swear (or affirm) that the testimony I shall give shall be
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God."

Perri DeChristopher

Print Witness Name

Beverly Douglas

Testimony Attested to by Committee
Clerk

Oath was administered by:

Charles S. Trump

Print Member Name

Charles S. Trump

Sign Member Name